

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

THE CHAMBERLAIN GROUP LLC §
§
v. § CIVIL ACTION NO. 2:21-CV-00084-JRG
§
OVERHEAD DOOR CORPORATION, et al §

**MINUTES FOR JURY TRIAL DAY NO. 3
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
January 25, 2023**

OPEN: 08:27 AM

ADJOURN: 06:27 PM

ATTORNEYS FOR PLAINTIFF:	See attached
ATTORNEYS FOR DEFENDANTS:	See attached
LAW CLERKS:	Katie Albanese Harris Huguenard Patrick Clark
COURT REPORTER:	Shawn McRoberts, RMR, CRR
COURTROOM DEPUTY:	Andrea Brunson, CP

TIME	MINUTE ENTRY
08:27 AM	Court opened.
08:28 AM	Exhibits used prior day read into the record.
08:30 AM	Jury entered the courtroom.
08:30 AM	Mr. Elacqua introduced the video deposition of Mr. Brent Buescher, Jr.
08:43 AM	Video deposition of Mr. Brent Buescher, Jr. concluded.
08:43 AM	Witness sworn.
08:44 AM	Direct examination of Dr. John Villasenor by Ms. Chen.
09:18 AM	Objection raised.
09:18 AM	Jury excused to jury room.
09:21 AM	Argument heard.
09:21 AM	Court made rulings as set forth in the record.
09:22 AM	Jury returned to courtroom.
09:22 AM	Continuation direct examination of Dr. John Villasenor by Ms. Chen.

TIME	MINUTE ENTRY
09:35 AM	Courtroom sealed.
09:36 AM	Continuation direct examination of Dr. John Villasenor by Ms. Chen.
09:51 AM	Courtroom unsealed.
09:52 AM	Cross examination of Dr. John Villasenor by Mr. Callahan.
10:14 AM	Jury recessed for break.
10:15 AM	Recess.
10:28 AM	Court reconvened.
10:28 AM	Jury returned to courtroom.
10:29 AM	Continuation cross examination of Dr. John Villasenor by Mr. Callahan.
10:59 AM	Redirect examination of Dr. John Villasenor by Ms. Chen.
11:09 AM	Completion of testimony of Dr. John Villasenor.
11:10 AM	Court provided explanation to the Jury re: video deposition and using a deposition transcript of the trial witness.
11:11 AM	Mr. Elacqua introduced the video deposition of Mr. Steve Janas.
11:16 AM	Video deposition of Mr. Steve Janas concluded.
11:16 AM	Mr. Elacqua and Mr. Gorham proceeded with the reading of the deposition transcript of Mr. Steve Janas
11:24 AM	Conclusion of written deposition testimony of Mr. Steve Janas.
11:24 AM	Witness sworn.
11:25 AM	Bench conference.
11:31 AM	Bench conference concluded.
11:31 AM	Direct examination of Mr. Thomas Britven by Ms. Smith.
12:01 PM	Jury recessed for lunch break.
12:02 PM	Recess.
12:42 PM	Court reconvened.
12:42 PM	Jury returned to courtroom.
12:43 PM	Continuation direct examination of Mr. Thomas Britven by Ms. Smith.
01:10 PM	Cross examination of Mr. Thomas Britven by Ms. Tull.
01:34 PM	Redirect examination of Mr. Thomas Britven by Ms. Smith.
01:42 PM	Recross examination of Mr. Thomas Britven by Ms. Tull.
01:44 PM	Additional redirect examination of Mr. Thomas Britven by Ms. Smith.
01:44 PM	Additional recross examination of Mr. Thomas Britven by Ms. Tull.
01:45 PM	Completion of testimony of Mr. Thomas Britven.
01:45 PM	Subject to rebuttal, Plaintiff rested its case-in-chief.
01:46 PM	Defendants' case-in-chief:
01:46 PM	Witness sworn.
01:47 PM	Direct examination of Ms. Barbara Kelkhoff (adverse witness) by Mr. Carter.
02:27 PM	Bench conference.
02:29 PM	Bench conference concluded.
02:29 PM	Continuation direct examination of Ms. Barbara Kelkhoff (adverse witness) by Mr. Carter.
02:32 PM	Bench conference.
02:34 PM	Bench conference concluded.
02:34 PM	Jury recessed for break.
02:35 PM	Recess.

TIME	MINUTE ENTRY
02:52 PM	Court reconvened.
02:53 PM	Court made ruling as set forth in the record re: objection raised during bench conference.
02:55 PM	Jury returned to courtroom.
02:56 PM	Continuation direct examination of Ms. Barbara Kelkhoff (adverse witness) by Mr. Carter.
03:08 PM	Cross examination of Ms. Barbara Kelkhoff (adverse witness) by Ms. Smith.
03:20 PM	Redirect examination of Ms. Barbara Kelkhoff (adverse witness) by Mr. Carter.
03:28 PM	Completion of testimony of Ms. Barbara Kelkhoff.
03:29 PM	Witness sworn.
03:30 PM	Direct examination of Mr. Leroy Krupke by Mr. Callahan.
03:37 PM	Bench conference.
03:37 PM	Bench conference concluded.
03:37 PM	Continuation direct examination of Mr. Leroy Krupke by Mr. Callahan.
04:06 PM	Cross examination of Mr. Leroy Krupke by Mr. Elacqua.
04:32 PM	Completion of testimony of Mr. Leroy Krupke.
04:32 PM	Jury recessed for break.
04:34 PM	Recess.
04:50 PM	Court reconvened.
04:51 PM	Jury returned to courtroom.
04:52 PM	Mr. Callahan introduced the video deposition of Mr. James Fitzgibbon.
04:57 PM	Video deposition of Mr. James Fitzgibbon concluded.
04:57 PM	Mr. Carter and Mr. Davis proceeded with the reading of the deposition transcript of Mr. James Fitzgibbon.
05:07 PM	Conclusion of written deposition testimony of Mr. James Fitzgibbon.
05:07 PM	Additional video deposition of Mr. James Fitzgibbon.
05:20 PM	Conclusion of video deposition of Mr. James Fitzgibbon.
05:21 PM	Witness sworn.
05:22 PM	Direct examination of Dr. Steven Leeb by Mr. Pathmanaban.
06:23 PM	Bench conference.
06:24 PM	Bench conference concluded.
06:24 PM	Jury recessed for the day until 8:30 AM tomorrow.
06:26 PM	Court encouraged the parties to continue their meet and confer efforts re: overnight disputes. Court will be available in chambers in the morning at 7:30 AM to meet with counsel to address same.
06:27 PM	Court adjourned